

David Henderson
Law Offices of David Henderson
30003 Minnesota Drive, Suite 203
Anchorage, AK 99503
Phone: 907-677-1234
Fax: 888-965-9338
dh@henderson-law.com

Kenneth A. Norsworthy
Law Office of Kenneth A. Norsworthy, LLC
711 H Street, Suite 410
Anchorage, AK 99501
Phone: 907-279-1000
Fax: 907-276-4125
ken@norsworthylawfirm.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

Niurka Sambois and Argenis Sambois,)
)
Plaintiffs,)
)
vs.)
)
United States of America,)
)
Defendant.)
_____)

Case no. _____

Complaint

COME NOW plaintiffs and for their cause of action against defendant
United States of America, allege as follows:

Parties and Jurisdiction

1) At all times relevant hereto, plaintiffs were residents of Fairbanks, Alaska, in the District of Alaska.

2) At all times relevant hereto, plaintiffs were and are validly married as husband and wife.

3) This cause of action arises under the Federal Tort Claims Act 28 U.S.C. §§ 1346, 2401, and 2671 *et seq.*, and Alaska law.

4) At all times pertinent, Dr. Rebecca Sheridan, M.D. [hereinafter "Dr. Sheridan"] was a licensed physician, practicing under a military license at the Bassett Army Community Hospital in Fairbanks, Alaska [hereinafter "Bassett."]

5) Upon information and belief, Dr. Sheridan and all other nursing and other Bassett staff physicians who treated and/or administered subject care to Niurka Sambois referenced herein were acting as an employees or agents of the United States of America.

6) At all times relevant hereto, Bassett was and is a comprehensive state-of-the-art medical care facility/hospital, serving as an agent of defendant United States of America.

7) Each of defendant's employees and entities who treated plaintiff Niurka Sambois were acting within the scope of their employment and/or agency at the time of the events described herein.

8) More than six months ago, the claims set forth herein were presented to the United States Army Office of the Staff Judge Advocate, Fort Wainright Law Center.

9) Because the Office has failed to make a final disposition of the claims within the prescribed six-month period, plaintiffs Niurka Sambois and Argenis Sambois deem such failures to be a denial of their claims pursuant to 28 U.S.C. § 2675.

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General Allegations

10) On May 11, 2014 plaintiff Niurka Sambois [hereinafter "Niurka"] presented to Bassett to undergo delivery of her second child by cesarean section surgery. Niurka requested a tubal ligation be performed during the cesarean and the surgeon, Dr. Sheridan agreed to the request.

11) After the delivery Niurka was told the tubal ligation was not performed and that she would be required to undergo a separate procedure for that to be done at a later date. Dr. Sheridan failed to perform the tubal ligation as agreed. As a direct result of said failure Niurka was needlessly subjected to the increased risks of a separate laparoscopic procedure for the tubal ligation.

12) On July 30, 2014, Niurka presented herself to Bassett to obtain medical care and treatment, namely, to undergo a tubal ligation procedure.

13) On July 30, 2014, Niurka did undergo a tubal-ligation surgery at Bassett, which was performed by Dr. Sheridan.

14) While attempting to perform said surgery, Dr. Sheridan nicked, perforated, or otherwise injured Niurka's urinary bladder and/or tract, resulting in a cystotomy.

15) On July 30, 2014 Niurka was discharged to her home, despite complaining of extreme abdominal pain and having not urinated post-surgery.

16) The bladder perforation and resultant sepsis was not properly diagnosed for several days by Bassett personnel. By the time it was correctly diagnosed Niurka was near death and Bassett transferred her to Fairbanks Memorial Hospital for emergency corrective surgery performed by civilian doctors.

17) Said injury proximately caused a series of adverse signs, symptoms, complications, and indications, including but not limited to: (a) abdominal and pelvic pain; (b) inability to urinate; (c) pelvic abscess; (d) generalized sepsis; (e) administration of a broad spectrum of antibiotics; (f) intravenous pressor

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1 therapy; (g) antibiotic-induced diarrhea; (h) rectal bleeding; (i) gastric ulcers and
2 other gastro-intestinal effects; (j) placement and subsequent removal of a
3 suprapubic catheter, and; (k) a prolonged and complicated post-operative course
4 requiring intensive care, and multiple treatments and additional surgical procedures.

5 18) Despite extensive medical interventions, medications, and attempts
6 at remediation, Niurka continues to suffer serious consequences including, but not
7 limited to: (a) intermittent rectal bleeding; (b) constant abdominal pain;
8 (c) recurrent vomiting episodes; (d) esophagitis, gastritis, and duodenitis;
9 (e) hemorrhoids; (f) colitis-inflammatory bowel disease; (g) anxiety, insomnia,
10 post-traumatic stress disorder, and related psychological sequelae; (h) general
11 disability and inability to work, and; (i) major inconveniences, including having to
12 make numerous calls and medical visits in order to arrange for, and undergo,
13 medical treatments and interventions.

14 19) Many of these effects will continue on indefinitely, if not
15 permanently.

16 20) As a direct and proximate result of the above-described medical
17 malpractice and injuries, Niurka has and will suffer non-economic damages, both
18 past and future, as allowed in AS 09.55.549(c).

19 21) As a direct and proximate result of the above-described medical
20 malpractice and injuries, Niurka has and will suffer economic losses, both past and
21 future, including: (a) medical expenses; (b) loss of earnings and earning capacity;
22 (c) loss of household and non-market services, and; (d) other consequential and out-
23 of-pocket expenses and damages.

24 22) As a direct and proximate result of the above-described medical
25 malpractice and injuries, plaintiff Argenis Sambois has and will suffer loss of
spousal consortium, services, love, and support.

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1 **Cause of Action – Negligence and Recklessness**

2 23) Plaintiffs incorporate and reallege paragraphs 1 through 22 as though
3 fully set forth.

4 24) At all times pertinent, Dr. Sheridan was and is board-certified in
5 surgery, and was practicing under that certification in performing the above-
6 referenced procedures on May 11, 2014 and July 30, 2014.

7 25) Defendant's agent(s) and/or employee(s) breached the applicable
8 standards of care with the proximate result that plaintiffs have sustained significant
9 injuries and damages.

10 26) Defendant's agent(s) and/or employee(s) also acted recklessly.

11 27) Niurka's injuries constitute a severe, permanent, physical impairment
12 that is more than 70% disabling.

13 28) Defendant is liable to plaintiffs for negligence and/or recklessness in
14 an amount to be proved at trial.

15 WHEREFORE, plaintiffs pray for judgment as follows:

16 1) Against defendant and in Niurka's favor compensating her for past
17 and future pain, suffering, and inconvenience; past and future medical expenses,
18 and; past and future lost earning capacity.

19 2) Against defendant and in favor of plaintiff Argenis Sambois for loss
20 of spousal consortium.

21 3) For costs and attorney's fees, as appropriate.

22 4) For such other relief as the court may deem just and proper.
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1 DATED this 6th day of December, 2017, at Anchorage, Alaska.

2 LAW OFFICES OF DAVID HENDERSON

3 Attorney for Plaintiffs Sambois

4 s/ David Henderson
5 David Henderson #9806014

6 LAW OFFICES OF KENNETH A NORSWORTHY

7 Attorney for Plaintiffs Sambois

8 s/ Kenneth A. Norsworthy
9 Kenneth A. Norsworthy #7705055

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